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MONITORING THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

Activities of the United Nations bodies and institutions concerned with crime prevention

Report of the Secretary-General

SUMMARY

In its resolution 38/3, the Commission on the Status of Women requested the Secretary-General to report to the Commission at its thirty-ninth session on the activities undertaken by the United Nations bodies and institutions concerned with crime prevention with regard to the question of violence against women. The present report indicates the measures taken and planned by United Nations bodies, meetings and institutions concerned with crime prevention, including the Commission on Crime Prevention and Criminal Justice, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its regional preparatory meetings, the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna and the United Nations Interregional Crime and Justice Research Institute (UNICRI).

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INTRODUCTION

1. In its resolution 38/3 on the elimination of violence against women, 1/ the Commission on the Status of Women requested the Secretary-General to report to the Commission at its thirty-ninth session on the activities undertaken by the United Nations bodies and institutions concerned with crime prevention with regard to the question of violence against women. In the same resolution, the Commission took note of the report of the Secretary-General containing the conclusions and recommendations of the Expert Group Meeting on Measures to Eradicate Violence against Women (document E/CN.6/1994/4), held in New Brunswick, New Jersey, in October 1993.

2. Among the recommendations of that Expert Group Meeting (see document E/CN.6/1994/4, annex) were the following:

> "34. The Secretary-General of the United Nations should communicate the present recommendations of the Expert Group Meeting to all its branches and divisions, especially those related to human rights. He should especially communicate them to the United Nations bodies and institutions concerned with crime prevention so as to assist them in their compliance with the resolutions of the Sixth, Seventh and Eighth United Nations Congresses on the Prevention of Crime and the Treatment of Offenders concerning the elimination of domestic violence.
>
> "35. The Commission on Crime Prevention and Criminal Justice should expand the relevant recommendations of the Crime Congresses and other resolutions to include all forms of violence against women.
>
> "36. Bearing in mind the importance of the appraisal and review function of the Fourth World Conference on Women, the Expert Group Meeting urged the Secretary-General to prepare a report on the work of the United Nations bodies and institutions concerned with crime prevention in relation to their research with respect to violence against women and responses to such violence, to be presented to the Fourth World Conference.
>
> "37. In the light of the report of the Expert Group Meeting, gender-based issues and, particularly, gender-based violence against women should be incorporated into the four agenda priority items at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
>
> "38. In accordance with General Assembly resolution 45/114, Member States should exchange experiences and research findings regarding domestic violence and communicate them to non-governmental organizations.
>
> "39. At its third session in 1994, the Commission on Crime Prevention and Criminal Justice should:
>
> "(a) Urge States to gather data on a sex-disaggregated basis;
>
> "(b) Urge States to record the relationship between the victim and the offender in statistics related to violence;

"(c) Request all United Nations bodies and institutions concerned with crime prevention also to gather data on a sex-disaggregated basis and record the relationship between the victim and the offender in statistics related to violence;

"(d) Urge the United Nations Criminal Justice Information Network to design and integrate an information system providing appropriate data on violence against women.

"40. The Secretary-General of the United Nations should request the United Nations interregional, regional and affiliated institutes on crime prevention to establish a formal network to coordinate their work on issues relating to violence against women and the equitable treatment of women within the administration of justice.

"41. The United Nations bodies and institutes concerned with crime prevention should give priority to gender-expertise and gender-sensitivity in the appointment of any staff member to its different bodies, including any interregional Advisers.

"42. An interregional adviser on gender-based violence against women should be appointed within the regular programme of technical cooperation of the United Nations.

"43. In conjunction with women's non-governmental organizations, the United Nations crime prevention bodies should conduct research on the effect of the criminal justice system on the individual offender and on the reduction of violence in society generally."

3. The United Nations bodies and institutions concerned with crime prevention and criminal justice include the Commission on Crime Prevention and Criminal Justice, the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its regional preparatory meetings, the United Nations Interregional Crime and Justice Research Institute (UNICRI) and affiliated regional institutes. This report reflects the information that has been received by the Division for the Advancement of Women of the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat on the activities of those bodies and institutions since the proclamation, by the General Assembly in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women.

I. COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

4. At its second session, held from 13 to 23 April 1993, the Commission on Crime Prevention and Criminal Justice had recommended to the Economic and Social Council the adoption of a draft resolution on violence against women in all its forms. 2/ The draft resolution was adopted by the Council as its resolution 1993/26. In that resolution, the Council, expressing deep concern about the continuing and endemic violence against women, urged Governments, the

specialized agencies of the United Nations and the non-governmental organization concerned, inter alia, to take all possible steps to prevent violence against women, to promote police and penal systems that combined the protection of society with the prosecution and appropriate punishment of perpetrators, and to offer full assistance to women who were victims of violence, as well as to include the issue of violence against women in all its forms both under the appropriate item of the provisional agenda for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and in the preparations for and observance of the International Year of the Family (under the question of crime prevention and criminal justice).

5. At its third session, held from 26 April to 6 May 1994, the Commission on Crime Prevention and Criminal Justice adopted resolution 3/1 on violence against women and children. 3/ In that resolution, the Commission - upon expressing its alarm at the marked increase in acts of sexual violence directed notably against women and children, reiterating that such acts constituted grave breaches of international humanitarian law, and also expressing its alarm at the fact that armed conflicts severely affected the civilian population, in particular women and children, and that situations leading to impoverishment of families and the serious deterioration of their living conditions contributed to the occurrence of violence against women and children - called for the elimination of violence against women and children in the family, in the general community and where perpetrated or condoned by the State.

6. The Commission also responded to the proclamation by the General Assembly of the Declaration on the Elimination of Violence against Women, and the issue was a priority in the agenda of the Commission at its third session. In its resolution 3/1, the Commission also encouraged the strengthening of cooperation and coordination between the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other treaty bodies, the United Nations Development Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), and other United Nations organizations, including the International Labour Organization (ILO), and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourth session on the activities of United Nations bodies and institutions with regard to the issue of violence against women and children.

7. Violence against women in the family or society was considered a criminal act that should be addressed by criminal justice systems and that should continue to have priority within the Commission. In its resolution 3/1, the Commission, recalling resolution 1993/46 of the Commission on Human Rights, 4/ in which the Commission on Human Rights, inter alia, had condemned all acts of violence and violations of human rights directed specifically against women, expressed its appreciation of the decisions of the Commission on Human Rights to appoint, at its fiftieth session, a Special Rapporteur on violence against women 5/ and, at its forty-sixth session, a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography. 6/

8. During the discussion of the Commission on Crime Prevention and Criminal Justice, representatives expressed views that there was a need for the following:

(a) Establishment of legal mechanisms of an international character to protect women who had been exposed to injury resulting from the use of any kind of violence against them;

(b) Elaboration of model legislation to provide effective mechanisms for the apprehension and punishment of offenders;

(c) Coordination among competent international bodies with a view to considering the drafting of a protocol, supplementary to the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex);

(d) Support for and assistance to the recently established International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991. Such support would be a step towards consolidating internal law and a manifestation of the determination of the international community to deal with crimes at a global level;

(e) Encouragement of States to arrange for a legal basis upon which to address the issue of domestic violence and to remove gender-based bias from existing legislation.

9. It was thought that research on violence against women, including marital rape and other family violence, should entail examining the particular conditions under which such violence had occurred.

II. NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS, AND ITS REGIONAL PREPARATORY MEETINGS

10. The problem of domestic violence had been discussed at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders; and the Congress had recommended to the General Assembly the adoption of its draft resolution on the subject. 7/ The draft resolution was adopted by the General Assembly as its resolution 40/36. In that resolution, the Assembly requested the Secretary-General to intensify research on domestic violence from a criminological perspective to formulate distinct action-oriented strategies that would serve as a basis for policy formulation and to report thereon to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited the Eighth Congress to consider the problem of domestic violence under a separate agenda item. At the Eighth Congress, following discussions based on the report of the Secretary-General on domestic violence (A/CONF.144/17), the Congress had recommended to the Assembly the adoption of a draft resolution on the subject. 8/ Subsequently, the draft resolution was adopted by the Assembly as its resolution 45/114. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders will be held

at Cairo from 29 April to 10 May 1995. The issue of violence against women will also be in the agenda of the Ninth Congress in the context of topic 4: "Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives", and has been featured, moreover, in regional preparatory meetings.

A. European regional preparatory meeting

11. At the European regional preparatory meeting, held at Vienna from 28 February to 4 March 1994, violence against women was considered from various perspectives. The view was expressed that given the gravity of the problem of violence against women, the appointment of a Special Rapporteur on violence against women by the Commission on Human Rights and the adoption of a declaration on violence against women would not be sufficient to deal with the problem. A United Nations convention on the elimination of violence against women, under the auspices of the Commission on Crime Prevention and Criminal Justice, might be considered.

12. Violence was seen as a vicious circle repeating itself from generation to generation but one that was not irreversible and that could be addressed through multidisciplinary cooperation at the national level, greater condemnation of violence against women and children reflected in criminal justice systems, and programmes to prevent violent behaviour and provide better treatment for victims.

13. At the European preparatory meeting, participants recommended that, within the framework of the workshop on the prevention of violent crime at the Ninth Congress, violence against women and children should be discussed as a matter of priority. Both the workshop and the discussions under topic 4 of the Congress agenda should consider proposing recommendations to the Commission in respect of developing, establishing or strengthening means for preventing and controlling violence against women and children. In this connection, consideration should be given to ways of promoting recognized good practices, such as those contained in Strategies for Confronting Domestic Violence: A Resource Manual (ST/CSDHA/20).

14. The Commission should consider the issue more carefully under its mandate on crime prevention and criminal justice, without duplicating work undertaken by other bodies. The Ninth Congress should study the issue of violence against women and children as a separate subtopic and a matter of priority during the discussion of topic 4 and in the workshop on the prevention of violent crime.

B. Latin America and the Caribbean regional preparatory meeting

15. The Latin America and the Caribbean regional preparatory meeting was held at San José, Costa Rica, from 7 to 11 March 1994. The meeting discussed the issue of domestic violence within the context of the specific social problems pertaining to the region.

16. In the region, a multiplicity of factors both economic and social were contributing to crime. The overcrowding on the outskirts of large cities had helped to increase the number of manifestations of violence in which the principal victims were women and children. Violence took various forms, including assaults, conjugal brutality, rape and sexual abuse. There was a regional project for training judges who would concern themselves with the question of violence against women. Raising the awareness of justice professionals would enable an institutional response to this phenomenon.

C. African regional preparatory meeting

17. The issue of violence against women as such was not raised at the African regional preparatory meeting, held at Kampala, Uganda, from 14 to 18 February 1994. However, large-scale movement of persons as migrants from rural to urban areas, together with unemployment, health and education problems, had contributed to the weakening of traditional extended family and community life. Such phenomena as broken homes and single-parent households were among the results of the situation and young people and women were certainly the main victims of those changes.

D. Asia and the Pacific regional preparatory meeting

18. In the regional preparatory meeting for Asia and the Pacific, held at Bangkok, Thailand, from 17 to 21 January 1994, several participants referred to domestic violence as another form of crime that should receive appropriate attention. More important, however, it was noted that domestic violence was a rarely reported form of crime. That feature made it more difficult for relevant governmental agencies to form a clear picture of the patterns and the severity of the problem and to plan and take appropriate action. Countering victimization and ensuring adequate services to victims of crime were considered particularly important. Measures to that end included setting up of special funds for compensation and relief to victims of crime, as well as encouragement of volunteer assistance and counselling services to especially vulnerable categories of victims, such as women.

E. Western Asia regional preparatory meeting

19. Several participants at the Western Asia regional preparatory meeting, held at Amman, Jordan, from 20 to 24 March 1994, raised the question of violence against women. The view was expressed that there seemed to be a risk of inadvertently overlooking other forms of violence by concentrating so strongly on that phenomenon. However, it was also recognized that there was merit in focusing on this type of violence, as it required prevention modalities that were not necessarily applicable to others.

20. The meeting adopted a recommendation in which it invited member States to develop effective strategies for the prevention and control of crime in various areas, especially urban and semi-urban areas, as well as juvenile delinquency, violent crime, including domestic violence, and victimization, paying due regard

to the role of religion, the family, schools and upbringing and taking into account existing economic and social needs and conditions.

III. CRIME PREVENTION AND CRIMINAL JUSTICE BRANCH OF THE UNITED NATIONS OFFICE AT VIENNA

21. The Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna acts as the secretariat of the Commission on Crime Prevention and Criminal Justice. Under the guidance of the Commission, the Crime Prevention and Criminal Justice Branch also organizes the quinquennial United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, and services them as well as their regional preparatory meetings. The overall coordination of the United Nations crime prevention and criminal justice programme, including the activities of its affiliated and associated institutes, rests with the Branch.

22. Violence against women has been in the agenda of the crime prevention and criminal justice programme for decades. More recently Strategies for Confronting Domestic Violence: A Resource Manual (ST/CSDHA/20), presented in English and French, was prepared by the Branch in cooperation with the Canadian Department of Justice and the European Institute for Crime Prevention and Control (HEUNI), affiliated with the United Nations, and with support from the Canadian Department of Health and Welfare.

IV. UNITED NATIONS NETWORK OF INTERREGIONAL AND REGIONAL AFFILIATED AND ASSOCIATED INSTITUTES FOR CRIME PREVENTION AND CRIMINAL JUSTICE

A. Interregional and regional affiliated institutes

1. United Nations Interregional Crime and Justice Research Institute (UNICRI)

23. The United Nations Interregional Crime and Justice Research Institute (UNICRI) is a full-fledged United Nations body operating as the interregional research and training arm of the United Nations crime prevention and criminal justice programme, and responding to the needs of the international community. As an example of its recent work on the issue under consideration, the Institute has prepared an International Bibliography on Violence in the Family, focusing on violence against women and children. The bibliography, comprising a collection of data and a qualitative analysis of the literature collected, is designed to be a useful background - providing instrument, especially for further studies and policy information on this matter. The work will be distributed in diskettes together with a summary that will be published in the UNICRI series entitled "Issues and Reports".

24. The Institute is currently preparing an analysis of the data on women victims of crime in the developing world, collected during the 1992-1994 International Crime (Victim) Survey. The analysis will compare 13 cities/urban areas from developing countries and will present, among other information, data

on the type and circumstances surrounding sexual incidents, the reasons for not reporting, the evidence for satisfaction with the work of the police, the existing mechanisms of victim support and the fear of crime. The results will be ready for distribution by the beginning of 1995. Part of the material from the study has been provided for the updated edition of The World's Women: Trends and Statistics.

25. The aforementioned activities constitute the Institute's contribution to the Fourth World Conference on Women.

2. African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI)

26. The African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) has organized a number of training activities relating to violent crimes against women and children that are mainly intended to sensitize participants about the key issues involved and to mobilize the participants towards undertaking appropriate courses of action in their respective countries. These activities include (a) training seminars and (b) research.

(a) Training seminars

27. The Institute organized two Training Seminars on the Prevention, Control and Correction of Juvenile Delinquency in Africa (11-17 September 1991), and a Training Seminar on Victims of Crime and Prevention of Victimization in Africa (June 1992), all held in Kampala. The last-mentioned Seminar stressed the vulnerability of women and children as victims of crime owing to the problems caused by social, economic and cultural factors within the African social situation, and the fact that as a result of certain persisting cultural practices, including the fear of putting their lives in danger, a large number of women and children victims of crime did not report the crimes to the authorities. The elimination of gender-based violence and all forms of sexual harassment and exploitation of children, including those resulting from cultural prejudices, and the establishment of an effective machinery for preventing and controlling such crimes in every African country were among the recommendations made at the meeting.

28. The Institute also organized two training workshops on "Reform of Penal Laws and on Procedures in Africa" and on "Training Needs and Future Training Requirements of African Countries" for heads of institutions of crime prevention and criminal justice. Both meetings took place in Kampala in 1993. The first meeting, on the reform of penal laws, called upon UNAFRI to draft a model penal code that would de-emphasize violence and brutality against women, children and minority groups; the second meeting on training needs called for the development of a model curriculum for the training of law enforcement officials so as to foster respect for human rights in the field.

(b) Research

29. The Institute has undertaken research on victimization and the criminal justice administration which included a Pilot Survey of the African Crime, Victimization and Criminal Justice Administration. The Survey revealed alarming tendencies regarding the victimization of women and children in the region. Furthermore, analysis of the data of the Pilot Survey in relation to violence against women indicated an increase in the incidence of such violence, particularly with respect to rape cases. However, it was also noted that the women victims of rape offences were gradually coming forward with information about occurrences of rape. This could be explained in terms of the important role being played by women's activity organizations which were sensitizing women on the subject of their rights. The Institute has continued to establish, where possible, contacts with those organizations as a way of encouraging them to continue their valuable work. The Institute is convinced that such an approach will promote, in a positive manner, crime prevention efforts which in turn will enhance the reduction in the victimization of women. Furthermore, this approach is considered to be producing positive results in neutralizing some of the cultural prejudices that have been exploited to suppress and victimize womenfolk.

B. Associated institutes

1. Australian Institute of Criminology

30. The Australian Institute of Criminology has had a long-standing commitment to conducting research on violence against women, and to providing policy advice on the reduction of such violence. Its work has included a range of research projects on violence against women, violence against children, violence against the elderly, and violence experienced by migrant women. This work has been supplemented with conferences, including the Second National Conference on Violence held in 1993, that have variously addressed these issues.

31. The Institute is currently setting future research priorities, which will include a major programme devoted to the topics of violence and violence prevention. Specific projects that relate to the prevention of violence against women are the Violence Against Women Clearing-house, the Violence Prevention Awards, and the Homicide Monitoring Programme. Further programmes may be developed, in consultation with relevant women's policy, health, welfare and injury surveillance agencies. For example, the Institute has recently assisted the Office of the Status of Women with advice on a national survey, which is to be conducted during 1995, on the incidence of violence against women.

2. International Centre for Criminal Law Reform and Criminal Justice Policy at the University of British Columbia

32. In March 1992, an international meeting of experts was organized by the International Centre in Vancouver, British Columbia, with the support of the Canadian Government and the European Institute for Crime Prevention and Control (HEUNI), to develop a manual on domestic violence. That meeting led to the publication of Strategies for Confronting Domestic Violence: A Resource Manual by the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna, in June 1993.

33. More recently (January 1995), the International Centre hosted an international advisory committee meeting in Vancouver. At this meeting, the advisory committee developed a mission statement, as well as goals and objectives for a training programme on domestic violence against women. Those goals and objectives are related to a core curriculum that is being developed by the International Centre, in consultation with the Justice Institute of British Columbia, for utilization as a full technical cooperation training programme for criminal justice practitioners, policy makers and other groups working with issues of domestic violence world wide. The advisory committee has also established a training programme delivery plan, according to which pilot courses on domestic violence against women will be offered in various regions throughout 1995 and 1996, and evaluated and refined thereafter. The International Centre will coordinate these implementation activities. Progress reports concerning the programme will be presented at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Cairo, Egypt, in April and May 1995, and at the Fourth World Conference on Women, to be held in Beijing, China, in September 1995. These international events will also serve as opportunities for determining future requirements for technical cooperation in this field.

Notes

1/ See Official Records of the Economic and Social Council, 1994, Supplement No. 7 (E/1994/27), chap. I, sect. C.

2/ Ibid., 1993, Supplement No. 12 (E/1993/32), chap. I, sect. A, draft resolution I.

3/ Ibid., 1994, Supplement No. 11 (E/1994/31), chap. I, sect. C.

4/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

5/ Ibid., 1994, Supplement No. 4 (E/1994/24 and Corr.1 and Add.1 and 2), chap. II, sect. A, resolution 1994/45.

6/ Ibid., 1990, Supplement No. 2 (E/1990/22 and Corr.1 and Add.1), chap. II, sect. A, resolution 1990/68.

7/ See Report of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985 (A/CONF.121/22/Rev.1) (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. C, draft resolution 4.

8/ See Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990 (A/CONF.144/28/Rev.1) (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. A, draft resolution 8.